

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JIMMIE LEWIS,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 04-1350-GMS
)	
DR. SYLVIA FOSTER, et al.,)	
)	
Defendants.)	

**DEFENDANT ROBERT GRAY'S
RESPONSE TO PLAINTIFF'S MOTION FOR DEPOSITION ANSWERS**

1. Robert Gray what is your specific account of what occurred at the D.P.C. Mitchell Building dinning hall on 6/14/04 at or about 8:00 pm, regarding the plaintiff Jimmie Lewis.

RESPONSE: I heard a code called over my walkie-talkie for all staff to assist in the Dining Hall, at or about 8:45 p.m. I came to the Dining Hall from the south side of the Mitchell Building. When I entered the Dining Hall, I saw Jimmie Lewis standing at a table eating M&M's. There was one patient seated at eth table where Lewis was standing. Nurse Helen Hanlon was seated, some distance away in the room, talking with Lewis. At least three other staff members (David Moffett, Michael Erickson, and William Evans) were already present standing several feet from Lewis. One of those three was talking with Lewis. Lewis continued to eat the candy and was yelling and cursing at staff. Lewis then drew back his right arm to throw a punch or elbow at the staff member who had been talking with him. When I saw Lewis go into a fighting stance, I moved towards Lewis, grabbed his left wrist with my left hand, and placed my right hand on his right shoulder area. I then pulled Lewis towards my body, and we fell to the floor together. Another staff member grabbed Lewis around his legs. On the floor, I asked Lewis if he was alright. Lewis still had candy in his mouth that he then spit out. At no time did I place my hands around his Lewis' throat. The other staff helped to secure his arms and legs. I asked Lewis if he would "contract for safety," to which he responded that he would. At that point, Lewis and I stood up together and other staff escorted him out of my presence. At no time during this incident did I observe any staff member punch or kick Lewis.

2. Robert Gray who were the D.P.C. personnel that escorted the plaintiff to the seclusion room on 6/14/04 at or about 8:00 pm

RESPONSE: I did not participate in the transport of Lewis from the Dining Hall to the seclusion room on June 14, 2004. I do not have personal knowledge of what staff conducted the escort.

3. Robert Gray what is the description of you job duties.

RESPONSE: I am a Nursing Assistant at the Delaware Psychiatric Center. I attend classes concerning facility policies and procedures, nursing, therapeutic support methods, and safety and security. I receive hands-on training by observing and assisting professional and higher level non-professional nursing and therapeutic staff. I monitor and record temperature, pulse, respiration, blood pressure, nutritional intake, and alert professional staff to significant irregularities. I implement prescribed treatment plans involving reality orientation, sensory stimulation, range of motion exercise, and the application of splints and braces. I provide oral and written descriptions of patients' physical and behavioral changes. I observe patients' activities, providing oral and written report of unusual and hazardous behavior. I observe and supervise patients within the facility and its surroundings to ensure appropriate location and security. I escort patients traveling to social and recreational activities and medical appointments off campus. I participate on the interdisciplinary care team providing information about patients' overall physical condition, abilities, and behavioral characteristics. I apply appropriate interventions to prevent or deescalate inappropriate behaviors. I assist patients with personal hygiene. I maintain patient surroundings ensuring appropriate infection control, sanitary conditions, care, and storage of linens and clothing. I perform additional security related work.

4. Robert Gray have you ever had to utilize force on a patient at the D.P.C.

RESPONSE: Yes.

5. Robert Gray while Dr. Foster was employed at the D.P.C. dating 5/21/04 to 6/25/04 did she have the authority to order you to utilize force on a patient.

RESPONSE: Yes.

6. Robert Gray have you ever filed grievance(s) regarding the description of your job duties at the D.P.C.

RESPONSE: No.

/s/_____
Robert Gray

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ _____
Gregory E. Smith, ID No. 3869
Deputy Attorney General
820 North French Street, 7th Floor
Carvel State Building
Wilmington, Delaware 19801
(302) 577-8398
Attorney for Defendants Johnson,
Moffett, Sagers, and Gray

Dated: April 9, 2007